

United States District Court

Eastern District of California

Patrick Ronald Holley,

Plaintiff, No. Civ. S 04-1425 GEB PAN P

vs. Order

California Department of
Corrections, et al.,

Defendants.

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Plaintiff is a state prisoner without counsel prosecuting a
civil rights action.

The case proceeds on the July 20, 2004, complaint.

Plaintiff alleges deliberate indifference to serious medical
needs and retaliation for exercise of rights protected by the
First Amendment. The complaint requests the court "invoke"
pendent jurisdiction but includes no state law claims.

August 24, 2004, plaintiff moved "to file supplemental

1 pleading" to include claims of due process violations and
2 retaliation occurring after the initial pleading. He did not
3 submit a proposed supplemental complaint.

4 January 14, 2005, plaintiff moved for leave to file a
5 supplemental pleading to include claims regarding "transactions
6 and occurrences or events which have happened since the date of
7 the pleading sought to be supplemented, and claims that arose out
8 of the conduct, transactions, or occurrences set forth or
9 attempted to be set forth in the original pleading, governed by
10 state tort law." He did not submit a proposed supplemental or
11 amended pleading.

12 January 28, 2005, defendants opposed plaintiff's motion on
13 the ground plaintiff failed to submit a proposed pleading
14 including, complete unto itself, all claims and allegations
15 including those permitted by amendment or supplementation. See
16 Local Rule 15-220; see also Fed. R. Civ. P. 15. Plaintiff's
17 motions are deficient because he failed to submit a proposed
18 supplemental or amended pleading.

19 May 10, 2005, plaintiff again moved to supplement his
20 pleading, failing to submit a proposed supplemental pleading.

21 March 29, 2005, plaintiff moved to "exclude prejudicial
22 records submitted by defendants," seeking to "strike" copies of
23 documents defendants provided to him in discovery. No such
24 documents are of record in this proceeding.

25 Accordingly, the plaintiff's August 24, 2004, January 14,
26 2005, and May 10, 2005, requests to supplement his pleading are

1 denied. Plaintiff's March 29, 2005, motion to exclude
2 prejudicial records is denied.

3 So ordered.

4 Dated: May 31, 2005.

5 /s/ Peter A. Nowinski

6 PETER A. NOWINSKI
7 Magistrate Judge

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